HCJ & CVRJ

WRIT PETITION NO.19424 OF 2003

ORAL ORDER:

(per The Hon'ble The Chief Justice Sri Devinder Gupta)

The challenge in the notification is only to notification published in the Hindu on 14-8-2003 by the High Court inviting applications for appointment to the posts of Junior Civil Judges. Challenge is only to column I (A) of the notification which requires that a candidate must have actually been practising as an advocate Court of Civil or Criminal jurisdiction in India, on the ground that the same is contrary to the ratio of the decision in ALL INDIA JUDGES ASSOCIATION v UNION OF INDIA[1]. It is submitted that in ALL INDIA JUDGES case the Supreme Court in para 32 directed the State Governments and the High Courts to amend the respective recruitment rules contemplating as necessary qualification, for a candidate to apply, of having not less than 3 years practice as an advocate in a court of civil or criminal jurisdiction in India. There is no challenge made to the A.P. State Judicial Service Rules. Challenge is only to the notification. After judgment in ALL INDIA JUDGES case there is no corresponding change in the A.P. State Judicial Service Rules thereby deleting that clause from the rule which requires a candidate to possess not less than 3 years actual practice in courts of civil or criminal jurisdiction in India. The rule continues to be the same to the effect that person actually been practising as an advocate in High Court in India, or a First Grade Pleader admitted as such by a High Court in India. In the absence of any challenge to the rules writ petition is not maintainable. It is accordingly dismissed.

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DEVINDER GUPTA, CJ

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C.V.RAMULU, J

16th September, 2003.

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[1] AIR 2002 SC 1752